

Exhibit D

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KEISHA FOSTER, *et al.*,

Plaintiffs,

-against-

THE CITY OF NEW YORK,

Defendant.

Case No.: 14 Civ. 4142 (PGG)

**PLAINTIFFS' NOTICE OF RULE 30(b)(6) DEPOSITION - AS TO DEFENDANT'S
EFFORTS TO COMPLY WITH THE FAIR LABOR STANDARDS ACT**

Pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, plaintiffs notice the depositions of the matters set forth below. In the descriptions set forth below, the terms "and" and "or" each shall be construed either conjunctively or disjunctively as necessary to bring within the scope of the matters described herein so as to request any information that might otherwise be construed to be outside its scope. "Employees of the Administration for Children's Services" refers to all individuals employed Defendant in the positions of Child Protective Specialist (CPS) and Child Protective Specialist Supervisor (CPSS). The term "CityTime" shall be construed as encompassing all uses and spellings of the phrase "CityTime" as used for defendant's timekeeping systems including but not limited to CitiTime, City Time, or Citytime. Plaintiffs request that defendant produce individuals on October 28, 2015, or a date to be mutually determined by the parties, who can testify on its behalf with regard to the following matters:

- (a) Since June 9, 2011, all policies, practices, and procedures of Defendant to ensure compliance with the Fair Labor Standards Act (FLSA) with respect to the pay received by employees of the Administration for Children's Services;

- (b) Since June 9, 2011, all information, studies, analyses, and efforts Defendant has undertaken to determine whether Defendant's policies and practices of not compensating employees of the Administration for Children's Services for all time recorded by CityTime comply with the FLSA;
- (c) Since June 9, 2011, all information, studies, analyses, and efforts Defendant has undertaken to determine whether Defendant's policies and practices regarding compensating employees of the Administration for Children's Services for all time worked during the unpaid, one-hour meal period comply with the FLSA;
- (d) Since June 9, 2011, any guidance and advice Defendant has sought, received, and/or relied upon with regard to the application of the FLSA and related regulations of the U.S. Department of Labor to employees of the Administration for Children's Services;
- (e) All facts upon which Defendant relies for its Seventh (¶ 66) and Tenth Defenses (¶ 69), as set out in Defendant's Answer to the Second Amended Complaint (DE 30) regarding Defendant's compliance with the FLSA.

The depositions taken pursuant to Rule 30(b)(6) will take place on October 28, 2015 at the law offices of Spivak Lipton LLP at 1700 Broadway, Suite 2100, New York, New York and will continue day-to-day until completed. The depositions will be recorded by a court reporter.

September 2, 2015

Respectfully Submitted,

/s/ Gregory K. McGillivary
Gregory K. McGillivary (SSN: 0280)
Diana J. Nobile (SSN: 9582)
WOODLEY & MCGILLIVARY LLP
1101 Vermont Ave., NW
Suite 1000
Washington, DC 20005
Phone: (202) 833-8855

Hope Pordy (HP 6253)
SPIVAK LIPTON, LLP
1700 Broadway
Suite 2100
New York, N.Y. 10019
Phone: (212) 765-2100

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

This is to certify that Plaintiffs' Notice of Rule 30(b)(6) Deposition was sent to the following individuals on September 2, 2015 via electronic mail and Regular U.S. Mail, first class delivery:

Felice Ekelman
Jeffrey S. Brecher
Steven J. Seidenfeld
Adam S. Gross
Sara Hook
JACKSON LEWIS LLP
666 Third Avenue
New York, NY 10017

/s/ Gregory K. McGillivary
Gregory K. McGillivary
WOODLEY & McGILLIVARY LLP
1101 Vermont Ave., NW
Suite 1000
Washington, DC 20005
Phone: (202) 833-8855